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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,902	11/16/2001	Hirosato Yagi	011542	7800

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EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/987,902

Applicant(s)

YAGI ET AL.

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

**Claims 5-6 and 9-15** are objected to because of the following informalities:

**Claim 5 and 7.** The term "power" is omitted after the phrase "comprises collectively receiving".

**Claim 6 and 11-15.** The term "power" is omitted after the phrase "collectively receiving".

**Claims 9-15.** The term "comprising" is omitted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 7-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 7.** The phrase "server ... distributes power to each of the user" is confusing. It is not clear what method steps does the term "distributes" actually contemplate.

**Claim 8** is rejected as being dependent on **claim 7**.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 3629

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanner, Jr. et al. (US 6,636,784).**

Tanner, Jr. et al. (hereinafter Tanner) teaches a method and system for electricity transfer, comprising:

**Claim 1.** Determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67).

**Claim 2.** Allocating an excessive current capacity, which is not necessary for one user to another user who need the excessive current capacity (column 3, lines 37-41).

**Claim 3.** Requesting necessary current capacity, allocating current capacity based on the request, and distributing the contracted current to the users (column 4, lines 58-67).

**Claim 4.** Charging a penalty when a current used exceeds the contracted current allocated to each of the users (column 1, lines 27-29).

**Claim 5.** Determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67); requesting necessary current capacity, allocating current capacity based on the request, and distributing the contracted current to the users (column 4, lines 58-67); determining a user who adds a current capacity when a total requested current capacity is larger than a total contracted current to be distributed (column 3, lines 37-41).

**Claim 6.** See claim 4.

***Claim Rejections - 35 USC § 103***

Art Unit: 3629

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Weiss (US 6,681,156).**

**Claim 7.** Turner teaches said method and system, comprising: Determining a maximum current capacity necessary for each of the users, determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67).

However, Turner does not specifically teach a server and a network for connecting each user with said server.

Weiss teaches a method and system for planning energy supply, comprising: a server accessible by users via the Internet, wherein said server having means to determine contracted current for each of the users on the basis of information on each of the users supplied to the server (column 14, lines 56-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turner to include a server accessible by users via the Internet, because it would provide users with convenient and instantaneous access to energy-related information.

**Claim 8.** Tanner teaches said system, wherein a control device for controlling and displaying information on power consumed by each of the users is provided (column 4, lines 17-19).

**Claim 9.** Tanner teaches said method and system, including: determining an excessive current capacity which is not necessary for one user; and allocating said excessive current capacity, to another user who needs the excessive current capacity (column 3, lines 37-41).

**Claim 10.** Weiss teaches said method and system, wherein the server has means for determining the contracted current of each of the users on the basis of the information and distributes the power to each of the users (column 14, lines 56-61).

**Claim 11.** Tanner teaches said method and system, including: determining a user who can have an additional current capacity; allocating an additional current capacity, which is not necessary for one user to another user who needs the excessive current capacity (column 3, lines 37-41).

**Claim 12.** Tanner teaches said method and system, including: determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (column 4, lines 58-67); and providing a circuit recloser and switches (current limiter), which is controlled on the basis of said determination step (column 8, lines 4-12).

**Claim 13.** Tanner teaches said method and system, wherein an excessive current capacity which is not necessary for one user is given to another user who needs the excessive current capacity (column 3, lines 37-41).

**Claim 14.** Weiss teaches said method and system, wherein information on a maximum current capacity required by each of the users is given to the server, and the server determines the contracted current of each of the users on the basis of the information and distributes the power to each user (column 14, lines 56-61).

**Claim 15.** Tanner teaches said method and system, including determining a user who can have an additional current capacity on the basis of information supplied from each of the users (column 3, lines 37-41).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Art Unit: 3629

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

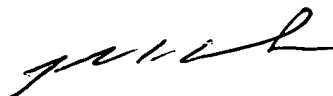
***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

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